

shall state his reason therefor in writing and a copy thereof, signed by himself, shall be enclosed with each return. Each of the statements shall be enclosed in an envelope which shall then be securely sealed with sealing wax or other adhesive material, and each of the judges and clerks shall write his name across the fold of the envelope. In those precincts in which no clerks shall have been appointed the above required endorsement shall be made by the judges. One of the envelopes shall be directed to the clerk of the circuit court of the county, or the Superior Court of Baltimore City, as the case may be, and one to the county commissioners or to the Mayor of the City of Baltimore, as the case may be. Each set of tallies shall also be signed by the election clerks and the judges of election, and each shall be enclosed in an envelope securely signed and sealed as aforesaid, one of which shall be addressed to the Board of Supervisors of Elections and the other to the Register of Wills. If any judge or clerk shall decline to sign said set of tallies, or either of them, he shall state his reason therefor in writing, and a copy thereof, signed by himself, shall be enclosed with each tally sheet. On the outside of every envelope shall be endorsed the statement that it contains the votes cast or the tallies, and for what precinct, ward, city or county.

The provisions of this section as to the return of tallies shall not apply to those precincts in which voting machines shall be used, but one of the four return sheets for which provision is made by Section 275 of this Article shall be addressed to the Board of Supervisors of Elections and one of said return sheets to the Register of Wills.

Where there are four judges and two clerks and the return is signed by only one judge and one clerk, the others stating their reasons for not signing, the ballots may be counted in a proceeding to determine result of election. *Coulehan v. White*, 95 Md. 704.

For a case in which mandamus to direct Governor to issue a commission under art 33, sec. 70, of Code of 1888, was refused because of imperfections in election judges' certificates as to number of votes cast, etc., see *Brown v. Bragunier*, 79 Md. 236.

The refusal of two judges and one clerk to sign usual return, does not invalidate returns when such judges and clerk sign an alternative return which is authenticated in accordance with this section. Purpose of portion of this section providing for alternative return. When statutory provisions relating to elections are mandatory and when directory. See notes to sec. 126. *Price v. Ashburn*, 122 Md. 522.

See notes to sec. 116.

An. Code, 1924, sec. 84. 1912, sec. 76. 1904, sec. 74. 1896, ch. 202, sec. 69. 1937 ch. 95, sec. 84.

120. The "spoiled" and "not voted" ballots, as defined in Section 113, shall be enclosed in a package to themselves and endorsed "spoiled and not voted"; the "rejected" and "defective" ballots, as defined in said section and Section 116, shall be enclosed in a package to themselves and endorsed "rejected and defective." The poll-books and the ballots cast and counted, as well as the two before-mentioned packages of "spoiled," "not voted," "rejected" and "defective" ballots shall be placed in the ballot-box, and the ballot-box shall then be locked and the key removed, whereupon the judges of election shall all write their names upon a strip of paper of sufficient length for the following purposes. Said strip of paper shall then be pasted over the keyhole of said ballot-box and over the slit in the lid, in such manner that the signatures shall extend across the place of the opening of the lid, and so that when the box is opened it will tear the paper and destroy the signatures, and so that when the key is inserted in the keyhole it will tear the paper so pasted over the keyhole. Such paper shall be securely fastened in the box with sealing wax or some other adhesive material.